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3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 UNITED STATES OF AMERICA,

Case No. 2:15-CR-219 JCM (VCF)

8 Plaintiff(s),

ORDER

9 v.

10 JONATHAN PHILIP MOSZ,

11 Defendant(s).

12
13 Presently before the court is defendant Johnathan Philip Mosz's motion to amend
14 judgment. (ECF No. 51). The government filed a response. (ECF No. 53). Defendant did not
15 file a reply and the time to do so has passed.

16 On December 5, 2016, the court sentenced defendant to seventy-seven months of custody
17 to be followed by three years of supervised release for being a felon in possession of a firearm in
18 violation of 18 U.S.C. §§ 922(g) and 924(a)(2). (ECF No. 44).

19 On October 19, 2018, defendant filed a motion requesting that the court recommend the
20 Bureau of Prisons ("BOP") to allow him to spend the final months of his sentence in a residential
21 re-entry center. (ECF No. 46). On May 21, 2019, the court granted defendant's motion and
22 issued a non-binding recommendation to place defendant in a residential re-entry center. (ECF
23 No. 49). Now, defendant requests that the court enter its non-binding judicial recommendation
24 as an order or judgment. (ECF No. 51).

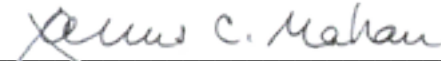
25 Courts can modify judgments only upon mandate from a court of appeals or pursuant to
26 Rule 35. *United States v. Ceballos*, 671 F.3d 852, 856 (9th Cir. 2011). Here, the Ninth Circuit
27 has not ordered this court to resentence defendant and the fourteen-day time period to amend
28 judgment pursuant to Rule 35 has elapsed. Therefore, because the court does not have authority

1 to modify the judgment consistent with its non-binding judicial recommendation, the court will
2 deny defendant's motion.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion to
5 amend judgment (ECF No. 51) be, and the same hereby is, DENIED.

6 DATED June 28, 2019.

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8 UNITED STATES DISTRICT JUDGE